

# EXHIBIT B

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12 Attorneys for Defendants C. R. Bard, Inc. and  
Bard Peripheral Vascular, Inc.

13  
14 IN THE UNITED STATES DISTRICT COURT  
15 FOR THE DISTRICT OF ARIZONA

16 IN RE: Bard IVC Filters Products  
Liability Litigation

No. 2:15-MD-02641-DGC

17 **DEFENDANTS' FIRST REQUESTS**  
18 **FOR PRODUCTION OF**  
19 **DOCUMENTS TO ALL**  
**PLAINTIFFS**

20 Defendants C. R. Bard, Inc. and Bard Peripheral Vascular, Inc., pursuant to Federal  
21 Rules of Civil Procedure 26 and 34, and in compliance with Case Management Order No.  
22 8, request that the following items be produced for inspection and copying, within thirty  
23 (30) days from service hereof, at the law offices of Nelson Mullins Riley & Scarborough,  
24 LLP, 201 17<sup>th</sup> St. NW, Suite 1700, Atlanta, Georgia 30363.

25 **DEFINITIONS**

26 The terms listed below are defined as follows:

27 1. "Bard" refers to C. R. Bard, Inc. and Bard Peripheral Vascular, Inc., both  
28 individually and collectively.

2. “Communication” means any form of transmission or conveyance of information or ideas through any verbal or written means, including but not limited to phone calls, in-person meetings or conversations, video conferences, e-mails, facsimile, letters, memoranda, U.S. mail, third-party carriers (e.g., FedEx, UPS, DHS), or any submission of hard-copy material or electronically stored information (ESI).

3. “Document” is defined to be synonymous in meaning and equal in scope to the usage of the term “documents” or “electronically stored information” in Federal Rule of Civil Procedure 34(a)(1). A draft or non-identical copy of any document is a separate document within the meaning of this term.

4. “IVC Filters” means any individual or combination of the following inferior vena cava filters: Bard Recovery Filter, Bard G2 Filter, Bard G2X Filter, Bard G2 Express Filter, Bard Eclipse Filter, Bard Meridian Filter, Bard Denali Filter, and Simon Nitinol Filter.

5. “Media” means, and is limited to, the following: NBC News, NBC Nightly News, WPTV West Palm Beach News, and KHSB Kansas City News, including any journalist, employee, or other person associated with these news organizations.

6. “News Reports” means, and is limited to, the following news stories:

- a. The September 2, 2015, WPTV West Palm Beach News story entitled “FDA warns of potentially deadly complications associated with blood clot filter implants: Fort Lauderdale women [sic] shares nightmare experience.”<sup>1</sup>
- b. The September 2, 2015, NBC Nightly News story entitled “Did Blood-Clot Filter Used on Thousands of Americans Have Fatal Flaw?”<sup>2</sup>
- c. The September 3, 2015, NBC Nightly News story entitled “Did Forged

<sup>1</sup> Available at <http://www.wptv.com/news/local-news/investigations/fda-warns-of-potentially-deadly-complications-associated-with-blood-clot-filter-implants> (last accessed May 3, 2016).

<sup>2</sup> Available at <http://www.nbcnews.com/health/health-news/did-blood-clot-filter-used-thousands-americans-have-fatal-flaw-n384536> (last accessed May 3, 2016).

Signature Clear Way for Dangerous Blood-Clot Filter?”<sup>3</sup>

d. The November 30, 2015, KHSB Kansas City News story entitled “Medical device used to filter blood clots blamed for deaths and injuries: Overland Park woman files lawsuit.”<sup>4</sup>

e. The December 31, 2015, NBC Nightly News story entitled “Why Did Firm Keep Selling Problem Blood-Clot Filters?”<sup>5</sup>

7. “U.S. Government” means the United States Federal Food and Drug Administration and/or the United States Department of Health and Human Services.

8. “You” means all the plaintiffs in the above-captioned action, both individually and collectively, including all loss of consortium plaintiffs, and anyone who represents the interests of the plaintiffs in the above-captioned action, including but not limited to, attorney(s), expert(s), investigator(s), agent(s), consultant(s), and representative(s).

9. “Litigation” refers to the *IN RE Bard IVC Filters Products Liability Litigation*, MDL No. 2641, including each individual products liability case that is pending in the MDL.

10. “Relate to,” “relating to,” or “related to” means relating to, reflecting, concerning, or evidencing in any way.

### **REQUESTS FOR PRODUCTION**

#### **Request for Production No. 1:**

Please produce all Documents identified or referenced in Your responses to Bard’s First Interrogatories to All Plaintiffs, served contemporaneously herewith.

<sup>3</sup> Available at <http://www.nbcnews.com/health/heart-health/did-forged-signature-clear-way-dangerous-medical-device-n417246> (last accessed May 3, 2016).

<sup>4</sup> Available at <http://www.kshb.com/news/local-news/investigations/medical-device-used-to-filter-blood-clots-blamed-for-deaths-and-injuries> (last accessed May 3, 2016).

<sup>5</sup> Available at <http://www.nbcnews.com/health/health-news/why-did-firm-keep-selling-problem-blood-clot-filters-n488166> (last accessed May 3, 2016).

**Request for Production No. 2:**

Please produce all Communications identified or referenced in Your responses to Bard's First Interrogatories to All Plaintiffs, served contemporaneously herewith.

**Request for Production No. 3:**

Please produce all Documents related to any funding that You have obtained to pursue this Litigation.

**Request for Production No. 4:**

Please produce all Communications related to any funding that You have obtained to pursue this Litigation.

**Request for Production No. 5:**

Please produce all Documents related to any third party's agreement to assist You in obtaining medical care from a health care provider, health care facility, or any other ancillary provider.

**Request for Production No. 6:**

Please produce all Communications related to any third party's agreement to assist You in obtaining medical care from a health care provider, health care facility, or any other ancillary provider.

**Request for Production No. 7:**

Please produce all Documents that You sent to, or received from, the U.S. Government related to the issues identified in the March 2, 2016, FDA 483 Letter to Bard; February 26, 2016, FDA 483 Letter to Bard; July 13, 2015, FDA Warning Letter to Bard; January 5, 2015, FDA 483 Letter to Bard; and/or the November 25, 2014, FDA 483 Letter to Bard. Copies of these letters are attached to Bard's First Interrogatories to All Plaintiffs, served concurrently herewith.

**Request for Production No. 8:**

Please produce all Communications between You and the U.S Government related to the issues identified in the March 2, 2016, FDA 483 Letter to Bard; February 26, 2016, FDA 483 Letter to Bard; July 13, 2015, FDA Warning Letter to Bard; January 5, 2015, FDA 483 Letter to Bard; and/or the November 25, 2014, FDA 483 Letter to Bard. Copies of these letters are attached to Bard's First Interrogatories to All Plaintiffs, served concurrently herewith.

**Request for Production No. 9:**

Please produce all Documents that You provided to or received from the U.S. Government between January 1, 2013, and the present related to IVC Filters that are not otherwise responsive to Request for Production No. 7.

**Request for Production No. 10:**

Please produce all Communications between You and the U.S. Government between January 1, 2013, and the present related to IVC Filters that are not otherwise responsive to Request for Production No. 8.

**Request for Production No. 11:**

Please produce all Documents that You sent to, or received from, the Media related to the News Reports.

**Request for Production No. 12:**

Please produce all Communications between You and the Media related to the News Reports.

DATED this 27th day of May, 2016.

SNELL & WILMER L.L.P.

By: 

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LLP

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Phoenix, Arizona 85004-2202  
602.382.6000

**CERTIFICATE OF SERVICE**

I hereby certify that on May 27, 2016, the original of the foregoing was mailed to:

Robert W. Boatman  
Paul L. Stoller  
Shannon L. Clark  
GALLAGHER & KENNEDY, P.A.  
2575 East Camelback Road  
Phoenix, Arizona 85016-9225

A copy was also mailed this same date to:

Ramon Rossi Lopez  
LOPEZ McHUGH LLP  
100 Bayview Circle, Suite 5600  
Newport Beach, California 92660



A handwritten signature, "Pam Ritchey", is written over a horizontal line.

24196592

Snell & Wilmer

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